REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending in the application, with Claims 1, 10, 15 and 19 amended by the present amendment.

In the outstanding Office Action, Claims 1-22 were rejected under 35 U.S.C. § 112 (e) as being anticipated by Fujita et al. (U.S. Patent No. 6,542,705).

Claims 1, 10, 15 and 19 are amended to recite "a controller configured to control said switch such that said electric double-layer capacitor connects to or disconnects from said heater based on comparing a temperature sensed by said fixing member temperature sensor to a temperature threshold value while plural recording medium continuously pass said nip." Support for this amendment is found in Applicants' originally filed specification.[1] No new matter is added.

Briefly recapitulating, amended Claim 1 is directed to a toner fixing device that includes, *inter alia*, "a controller configured to control said switch such that said electric double-layer capacitor connects to or disconnects from said heater based on comparing a temperature sensed by said fixing member temperature sensor to a temperature threshold value while plural recording medium continuously pass said nip."

Fujita discloses that "when the main switch 5 is turned on to operate the heating device 1, the main power source 3 feeds power to the main heating element 2a. At the same time, the controller 8 operates switch 7 in order to cause the auxiliary power source 4 to feed power to the auxiliary heating element 2b.[2] Also, when the temperature of the heater 2 reaches a preselected upper limit, the controller 8 shuts off the power supply from the auxiliary power source 4 to the auxiliary heating element 2b. The temperature 2 being sensed

[1] Specification, Figure 5b.
[2] Fujita, column 6, lines 25-30.

by the temperature sensor 13 drops to a preselected lower 14 limit when the power supply from the auxiliary power source 4 to the auxiliary heating element 2b is shut off.[3]

However, Fujita fails to disclose or suggest Applicants claimed "controller configured to control said switch such that said electric double-layer capacitor connects to or disconnects from said heater based on comparing a temperature sensed by said fixing member temperature sensor to a temperature threshold value while plural recording medium continuously pass said nip" as recited in Applicants independent Claims 1, 10, 15, and 19.

Applicants traverse the rejection of Claims 4, 5, 11, 12, 16, 17, 20, and 21. Fujita discloses that the voltage between opposite ends of the capacitor 18, as detected by the potential device 24, increases with a decrease in the surface temperature of the heat roller 1.[4] However, Fujita fails to disclose or suggest a controller configured to control said switch such that said battery unit connects to said fixing member heater after a sensed fixing member temperature continuously decreases during a predetermined period as recited in original Claims 4, 11, 16, and 20. Fujita also fails to disclose or suggest "a controller configured to control said switch such that said battery unit connects to said heater when a sensed rate of decreasing temperature exceeds a predetermined rate of decreasing temperature" as recited in original Claims 5, 12, 17, and 21.

Fujita also discloses when the controller receives the usual print command from the computer 34, the CPU 13 does not cause the storage to operate via the switch 15 and, on receiving the rapid print command, the controller 35 causes the CPU 13 to operate the switch 15 such that the storage drives the heating element 4.[5] However, Fujita fails to disclose or suggest "a controller configured to calculate a heat load based on at least one of a number and a type of recording medium passing through the nip, and to control said switch based on the calculated heat load" as recited in original Claims 6, 13, 18, and 22.

[3] Fujita, column 7, lines 50-58.
[4] Fujita, column 25, lines 43-46.
[5] Fujita, column 28, lines 4-11.

Fujita also discloses a chargeable battery capable of implementing rapid warm-up from the stand-by state without regard to the limit of the commercial power source.[6] However, Fujita fails to disclose or suggest either a) a battery unit configured to operate in a limited mode of operation and an unlimited mode of operation; or b) a controller configured to control said battery unit to operate in said limited mode of operation during a ramp-up time before fixing images onto said recording medium, as recited in original Claims 8 and 14.

Because Fujita does not disclose or suggest all the elements of independent Claims 1, 4-6, 8, and 10-22, Applicants submit the inventions defined by Claims 1, 4-6, 8, and 10-22, and all claims depending therefrom, are not anticipated and are not rendered obvious by the asserted references for at least the reasons stated above.[7]

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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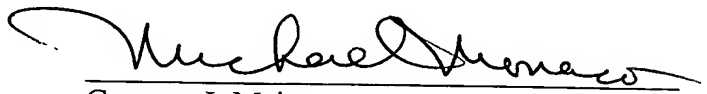

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[6] Fujita, column 2, lines 27-29.
[7] MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."